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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/309,367 05/11/99 WILSON

K 241/036

EXAMINER

PM82/1109

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VANAMAN, F

ART UNIT	PAPER NUMBER
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3611

12

DATE MAILED:

11/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/309,367

Applicant(s)
Wilson

Examiner
Frank Vanaman

Group Art Unit
3611



☒ Responsive to communication(s) filed on Aug 8, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 18, 19, and 22-38 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 18, 19, and 22-38 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Status of Application

1. Applicant's amendment, filed Aug. 8, 2000 has been entered in the application; claims 18, 19 and 22-38 are pending.

Terminal Disclaimer

2. The terminal disclaimer filed on Aug. 8, 2000 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any U.S. Patent granted on application serial number 09/206,720 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Objections

3. Claims 18, 25, 34, and 37 are objected to because of the following informalities: In each of these claims a phrase in the preamble of the claim (e.g., claim 18, lines 1-3) appears to have been duplicated in a latter portion of the claim (e.g., claim 18, lines 8-9). Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schorr (US 4,196,916) in view of Ellett (US 3,561,783, cited previously) and Mayr (US 5,249,819, cited previously). Schorr teaches a skateboard (10) adapted to be ridden by a standing user with the user's feet oriented perpendicular to the longitudinal axis of the board (14), the body being made from materials such as wood, plastic, fiberglass reinforced resin and metal; wherein the weaker materials are taught to be provided with thicker cross sections to insure a uniform strength of the board (col. 3, lines 59-62). The reference of Schorr fails to teach the board to be made from an

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aluminum metal and further fails to teach the board as being made through extruding and later forming. Ellett teaches a ski (30) for a ski bike, which may optionally be extruded from aluminum (col. 2, lines 1-2) with top, bottom, left and right sides, in addition to front and rear portions which are later suitably shaped at predetermined angles. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the skateboard of Schorr from an aluminum material such as taught by Ellett for the purpose of making a substantially light weight construction, and further it would have been obvious to one of ordinary skill in the art at the time of the invention to form the board of Schorr from an extrusion process for the purpose of allowing quick manufacturing of a large quantity of boards. The reference of Schorr as modified by Ellett fails to teach a longitudinally elongated hollow section in the board.

Mayr teaches a sport ski which may also be formed through an extrusion process (col. 3, lines 4-9) having a plurality of hollow longitudinally elongated sections (note figures 2a, 2b, 2c) and which may have a width greater than a height (note figures 2a, 2c). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the board of Schorr as modified by Ellett with at least a single hollow section as taught by Mayr for the purpose of reducing weight and increasing resistance to torsion.

The reference of Ellett as modified by Mayr fails to explicitly teach a method of forming the ski, however such a ski would be formable by the method steps as claimed.

5. Claims 19, 23, 25-33, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schorr in view of Ellett, Mayr, and Evancho et al. (cited previously). The references of Schorr, Ellett, and Mayr are discussed above and fail to teach further steps to include an annealing step to a particular hardness prior to shaping the board and a hardening step after shaping the board.

Evancho et al. teach a process for making plate-shaped aluminum vehicle elements, to include an extrusion step (col. 9, lines 66 - col. 10, line 4), followed by a heat annealing step (col.

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10, lines 8-13, 20-25, and 40-42) to a condition less than T-5 hardness (in this case T-4); a working and shaping step (col. 11, lines 60-63) and a hardening step to at least a T-5 condition (in this case T-6; col. 12, lines 9-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to produce the board element taught by Schorr as modified by Ellett and Mayr by the steps taught by Evancho et al., the pre-shaping annealing for the purpose of insuring the shaping process does not result in a brittle failure, and the further hardening for the purpose of insuring high strength in the final product.

As regards claims 26, 27, 30 and 31, while Evancho et al. fail to explicitly teach that the extrusion, annealing and hardening steps may be used with a 6000 series alloy, for example 6005 or 6061, it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the particular annealing and hardening times and temperatures to accommodate these alloys in order to allow the same advantages (e.g., insuring the shaping process does not result in a brittle failure; and insuring high strength in the final product) to users of 6005 and 6061 alloys.

As regards claim 32, it would have been obvious to one of ordinary skill in the art at the time of the invention to anneal to a T-0 condition, for example should a great deal of shaping or other working processes be envisioned prior to the final hardening.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorr in view of Ellett, Mayr and Le Masson et al. (US 5,248,160, cited previously). The reference of Schorr as modified by Ellett and Mayr fails to teach the inner void spaces as containing a filler. Le Masson et al. teach a ski structure having a plurality of filler elements (core 22 - which may be a foam, wood or aluminum material, filler 31 - which may be an elastic foam material). It would have been obvious to one of ordinary skill in the art at the time of the invention to fill the void spaces taught in the cast board of Schorr as modified by Ellett and Mayr with a filler material such as a foam or wood, as taught by Le Masson et al. for the purpose of reducing or damping vibrations in the board, and improving handling of the board.

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7. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schorr in view of Mayr and Evancho et al. (cited previously). Schorr teaches a skateboard adapted to be ridden by a standing user with the user's feet oriented perpendicular to the longitudinal axis of the board, the body being made from materials such as wood, plastic, fiberglass reinforced resin and metal. The reference of Schorr fails to teach the board as being extruded and having at least one longitudinal closed cavity.

Mayr teaches a sport ski which may be formed through an extrusion process (col. 3, lines 4-9) having a plurality of hollow longitudinally elongated sections (note figures 2a, 2b, 2c) and which may have a width greater than a height (note figures 2a, 2c). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the board of Schorr from an extrusion process as taught by Mayr for the purpose of allowing quick manufacturing of a large quantity of boards, and further to include longitudinal closed cavities as additionally taught by Mayr for the purpose of reducing the overall weight of the board

The references of Schorr and Mayr fail to teach the ski as being formed from aluminum, and further manufacturing steps to include an annealing step to a particular hardness prior to shaping the board and a hardening step after shaping the board.

Evancho et al. teach a process for making plate-shaped aluminum vehicle elements, to include an extrusion step (col. 9, lines 66 - col. 10, line 4), followed by a heat annealing step (col. 10, lines 8-13, 20-25, and 40-42) to a condition less than T-5 hardness (in this case T-4); a working and shaping step (col. 11, lines 60-63) and a hardening step to at least a T-5 condition (in this case T-6; col. 12, lines 9-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the ski of Schorr as modified by Mayr from an aluminum material as taught by Evancho et al. for the purpose of providing the ski in a lightweight, yet sturdy material which would withstand significant usage. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to produce the ski element taught by Schorr and modified by Mayr by the steps taught by Evancho et al., the pre-shaping annealing for

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the purpose of insuring the shaping process does not result in a brittle failure, and the further hardening for the purpose of insuring high strength in the final product.

Response to Arguments

8. Applicant's comments concerning the combination of the references are noted. As regards the reference of Dickert, the examiner agrees that this reference does not properly teach a skateboard as understood by the ordinary practitioner in the art. Note the reference of Schorr, now cited and applied in combination to the claims. As regards the inapplicability of the snow ski references to the claims associated with a skateboard, the examiner notes that these references are directed to the same problem solving area, namely the use of extrusion for inexpensive and quick manufacturing, and the use of longitudinal cavities, resulting in a box construction, for assuring rigidity under the use of thin-wall materials.

In response to applicant's argument that Evancho et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Evancho et al. is very pertinent to the problem at hand, namely the treating of aluminum members which have been formed by extrusion. That the particular embodiment taught by Evancho et al. is not a skateboard does not diminish its pertinence to the field of extrusion and later treating of aluminum objects.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;
informal or draft communications may be faxed to the same number but should be
clearly labeled "UNOFFICIAL" or "DRAFT")

FRANK B. VANAMAN
Patent Examiner
Art Unit 3611

November 6, 2000

Handwritten signature of Frank B. Vanaman, dated 11/6/00.